

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

GARRY D. GIBBS,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1-23-cv-00006-SNLJ
)	
CITY OF SIKESTON, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on numerous motions filed by plaintiff.

I. Motion to Amend Complaint [Doc. 17]

In an untitled document dated September 7, 2023, plaintiff requests to allow him to amend his complaint to add Kim Scott and Scott County as defendants. The Court will treat this document as a motion to amend plaintiff's complaint. This motion is improper because plaintiff does not provide an accompanying amended complaint. The Court will not permit plaintiff to add defendants by interlineation, as he appears to seek to do.

Popoalii v. Corr. Med. Servs., 512 F.3d 488, 497 (8th Cir. 2008). If plaintiff properly requests the Court's leave to file an amended complaint and the Court grants that request, plaintiff would need to submit an full and complete complaint. Plaintiff is warned that the filing of an amended complaint completely replaces the original complaint and any prior amended complaints. This means that, should another amended complaint be accepted, the case will proceed only against defendants named in the newly amended

complaint, and claims that are not re-alleged in the newly amended complaint will be deemed abandoned. *See In re Wireless Tel. Fed. Cost Recovery Fees Litig.*, 396 F.3d 922, 928 (8th Cir. 2005).

In light of aforementioned reasons, plaintiff's motion to amend the complaint is denied without prejudice.

II. Motion to Waive PACER fees [Doc. 18]

In a motion dated August 15, 2023, plaintiff moves for a waiver of fees associated with the PACER system for searches and documents in conjunction with this case. [Doc. 18.] In a previous order [Doc. 4], this court denied plaintiff's motion to proceed *in forma pauperis* on account of the plaintiff's financial affidavit [Doc. 3] that failed to demonstrate that plaintiff is indigent. Given that plaintiff's motion provides no reason to believe that plaintiff's financial situation has materially changed, this court finds no reason to grant plaintiff a waiver of the fees associated with the PACER system. Plaintiff's motion to waive PACER fees is therefore denied.

III. Motions for Extension of Time [Doc. 19; Doc. 20]

Plaintiff submits two related motions for extension of time: one for an extension of time to file a response [Doc. 19], and one for an extension of time to serve all defendants [Doc. 20.]. Plaintiff moves for a 30-day extension of time to serve all defendants on the basis that some defendants have moved out of the local area, retired, or are no longer employed by the City of Sikeston, City of Miner or Scott County. [Doc. 20.] Plaintiff also moves for a 30-day extension of time to file a response to defendants' motion to dismiss [Doc. 16], noting that not all defendants have been served. [Doc. 19.] Though

this Court has already granted plaintiff an extension of time to serve all defendants [Doc. 10], the Court is mindful of plaintiff's *pro se* status, the large number of variously residing defendants, and the compounding difficulties such conditions create. This Court also notes that plaintiff has successfully served many of the defendants since the Court's granting of extension of time [Doc. 21–40] and that this is probative of plaintiff's willingness and ability to cooperate with the litigation process. Consequently, the Court finds the bases for plaintiff's motions for extension of time reasonable, and accordingly will grant them.

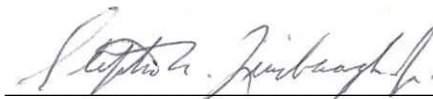
Accordingly,

IT IS HEREBY ORDERED that plaintiff's Motion to Amend Complaint [Doc.17] is DENIED.

IT IS FURTHER ORDERED that plaintiff's Motion to Waive PACER Fees [Doc. 18] is DENIED.

IT IS FINALLY ORDERED that plaintiff's Motion for a 30-Day Extension of Time to File a Response [Doc. 19] and Motion for a 30-Day Extension of Time to Serve All Defendants [Doc. 20] are GRANTED.

Dated this 19th day of September, 2023.



STEPHEN N. LIMBAUGH, JR.
SENIOR UNITED STATES DISTRICT JUDGE